

REMARKS

Claims 1, 6, and 11 have been amended to more clearly recite the claimed invention. The support for the amendment can be found on pages 16 and 17 of the Applicant's specification, as filed.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1-15 under 35 U.S.C. § 103 (a) as being unpatentable over US 2002/0161755 (Moriarty) in view of "IPMP draft-mcgregor-ipmp-OO.txt" (McGregor)

Applicant respectfully traverses in part and amends in part. Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Moriarty in view of McGregor.

Applicant respectfully submits that the combination of Moriarty and McGregor does not teach or suggest all the claim limitations as set forth in independent claims 1, 6, and 11. For example, independent claims 1, 6, and 11 recite "*including in the IPMP packet ...an instruction to a recipient to insert any additional data desired by the recipient in the IPMP packet when forwarding the IPMP packet*" which are not taught or suggested in the combination of Moriarty and McGregor.

The Office Action directs Applicant to paragraph 27 of Moriarty and asserts that that above claim features area met by an insertion of TTL date at border device 3. See, Final Office action, pg. 2 and pg. 4. Applicant respectfully disagrees. Applicant's above claims indicate that "said instruction including instruction to the recipient to provide specified information and an instruction to the recipient to insert any additional data desired by the recipient in the IPMP packet." Moriarty clearly explains that the TTL data is specified to be included by the sender. See, ¶ 27, which states as follows:

At step 10, the sender 1 generates an information query, such as a performance measurement packet 20 ... for example, *to request information about connection between the sender 1 and recipient 2* If the destination address ... matches that of a range of addresses corresponding to a group of at least one recipient for which the border device 3 is to respond, the border unit 3 generates a response or response packet 24 as illustrated in FIG 2, to the performance measurement packet 20 *and includes the information about the connection requested by the sender 1. Such information* generally includes the RTT (not shown) and TTL 23 between sender 1 and recipient 2. **Bold** and *italics* added for emphasis.

As the TTL data is clearly requested, the TTL data cannot be additional data desired by the recipient in the IPMP packet.

Lastly, Applicant respectfully submits that that the combination of Moriarty and McGregor does not teach or suggest (emphasis added) “including, in the IPMP packet, an identification data element for enabling at least one network device to be identified as a redirect measurement host while redirecting the IPMP packet to the recipient, wherein the at least one network device is comprised in a route between the measurement host and the recipient” as recited by independent claims 1, as amended. Independent claims 6 and 11 recite similar subject matter.

Since the combination of Moriarty and McGregor fails to disclose Applicant’s claimed invention as claimed in independent claims 1, 6, and 11, Applicant respectfully requests withdrawal of the rejection of claims 1, 6, and 11 under 35 USC 103(b). Applicant requests that claims 1, 6, and 11 now be passed to allowance.

Dependent claims 2-5, 7-10, and 12-15 depend from, and include all the limitations of independent claims 1, 6, and 11. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2-5, 7-10, and 12-15 and requests withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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